



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Ted Widen  
DOCKET NO.: 07-24568.001-R-1  
PARCEL NO.: 05-21-127-003-0000

The parties of record before the Property Tax Appeal Board are Ted Widen, the appellant, by attorney George J. Behrens, of McCracken, McCracken & Behrens, P.C. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$18,900  
**IMPR.:** \$58,408  
**TOTAL:** \$77,308

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 7,500 square foot parcel of land improved with a 99-year old, two-story, frame, single-family dwelling. Amenities include a full, finished basement with recreational room, one fireplace, three full and one half-baths, five bedrooms and an attached two-car garage.

The assessor listed the square footage of the subject as 2,145 square feet while the appraiser included the finished attic area and listed the subject as having 2,615 square feet of living area. As the assessor was aware of the finished attic space as listed on the property characteristic printout and the appraiser conducted an interior and exterior inspection of the subject property, the Board finds that the subject contains 2,615 square feet of living area.

The appellant raised two arguments: first, that there is unequal treatment in the assessment process; and second, that the subject's market value is not accurately reflected in its assessment as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment data for four suggested comparables located within close proximity to the subject. The properties are improved with a two-story, frame, single-family dwelling. Amenities include one and one half to two and one half baths, a partial or full, finished or unfinished basement, one fireplace and an attached one or one and one-half car garage. They range: in age from 79 to 101 years; in size from 1,760 to 2,133 square feet of living area; and in improvement assessment from \$22.78 to \$29.65 per square foot. The subject's improvement assessment is \$28.73 per square foot of living area.

In support of the market value argument, the appellant's petition indicated that the subject property sold on November 9, 2005 for \$770,000. The petition indicated that: this was an arm's-length transaction; a broker was involved in this transaction; the property was advertised on the open market for a period of 233 days using the multiple listing service; and the seller's mortgage was not assumed. Furthermore, the appellant submitted an appraisal undertaken by David E. Anderson and certified by his supervisory appraiser, Keith Baldwin. The report indicates Anderson and Baldwin each hold the designation of a State of Illinois certified general appraiser. The appraiser inspected the interior and exterior of the subject and indicated the subject has an estimated market value of \$770,000 as of November 9, 2005. The appraisal report utilized two of the three traditional approaches to value to estimate the market value for the subject property.

Under the cost approach to value, the appraiser analyzed the sale of properties to arrive at a value estimate for the land of \$300,000, rounded. The reproduction cost-new was estimated at \$577,560. The age/life method was used to depreciate the improvement by 19% for a depreciated building value of \$468,979. The site improvements and land were added back in to establish a value under the cost approach of \$779,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of five properties located within the subject's market. The comparables are two-story, frame or masonry, residential single-family dwellings located less than one mile from the subject property. The suggested comparable properties contain from 2,255 to 2,910 square feet of living area and sold from July 2005 to September 2005 for prices ranging from \$759,000 to \$839,000, or from \$271.22 to \$349.13 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$770,000.

In reconciling the two approaches to value, the appraisal gave primary consideration to the sales comparison approach to value with secondary consideration given to the cost approach to arrive

at a final estimate of value for the subject as of November 9, 2005 of \$770,000.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$94,039. This assessment reflects a total market value of \$936,643 or \$358.18 per square foot based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2007 of 10.04% for class 2 property, as is the subject.

The board of review submitted descriptive and assessment data as well as photographs relating to four suggested comparables. They are all located within close proximity to the subject. The properties are improved with a two-story, frame, masonry or frame and masonry, single-family dwelling with four or five bedrooms. They range: in age from 80 to 85 years; in size from 1,972 to 2,560 square feet of living area; and in improvement assessment from \$35.23 to \$41.45 per square foot. The properties include two full and one half baths to three full and two half baths, a full, finished or unfinished basement and one or two-car garage area. Two of the comparables include air conditioning. The board of review's grid sheet also noted that comparable #1 sold in May 2006 for \$1,090,000. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the arguments as well as reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the data, the Board finds that the appellant has not met this burden.

The Board finds that comparable #4 submitted by the appellant as well as comparables #1 through #3 submitted by the board of review are most similar to the subject in improvement size, design and/or amenities. In analysis, the Board accorded most weight to these comparables. These comparables range in improvement assessment from \$29.25 to \$41.45 per square foot of living area. The subject's improvement assessment at \$28.73 per square foot is below the range established by these comparables. Therefore, the Board finds no reduction is warranted as to this issue raised by the appellant.

As to the appellant's second issue, when market value is the basis of the appeal, the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist, 2002); Winnebago County Board of

Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code 1910.65(c)). Having considered the evidence presented, the Board finds that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the cost and sales comparison approaches to value in determining the subject's market value.

The Board finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. Additionally, this market value is supported by the sales data indicated on the appellant's petition.

Therefore, the Board finds that the subject property had a market value of \$770,000 for the 2007 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2007 three year median level of assessment of 10.04% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$77,308 while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 22, 2012

*Allen Castrovillari*

Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.